

Comments

Applicant confirms his election of species 5, Figure 6, Claims 1, 2, 8, 9, 12, 13, 16 to 18, and 20. Applicant understands that should a generic claim be found to be allowable, the remaining claims will also be examined.

Claims 1, 8, 9, 12, 16, and 17 were rejected under 35 U.S.C. 102(b) as anticipated by Borin. Borin discloses a disposable cup having a lid that covers the top of the cup. A portion of the lid fits on to an upper edge 36 that extends beyond the spout 14 of the cup. There is no suggestion in Borin of inverting the cup and supporting it on edge 36, nor would it be obvious to do this as the cup is disposable and normally has a lid on it.

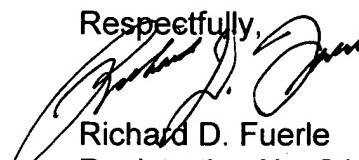
All of Applicant's claims now require at least two spaced-apart projections that will support the cup when it is inverted. Borin shows a single extended lip and its purpose is not to support the cup, but to enable the lid to be attached to the cup. It would not be obvious to divide edge 36 into at least two spaced-apart edges 36 as that would serve no purpose and liquid would leak out in between the lid and the cup at those positions where there was no edge 36.

Claim 13 was rejected under 35 U.S.C. 103(a) as unpatentable over Borin. Applicant's hereinabove comments also apply to this rejection. The Examiner states that Applicant "does not discloses that these dimensions are for any particular purpose or solve any stated problem." As explained in paragraph [0003], the lip of the inverted cup should not touch the surface that the cup is resting on, to prevent substances on

the surface from adhering to the lip. The dimensions given in Claim 13 are adequate to accomplish that purpose.

Claims 2 and 18 were rejected under 35 U.S.C. 103(a) as unpatentable over Borin in view of Florian. Borin, as the Examiner notes, does not disclose a handle, but Florian does. Florian is another disposable cup and the handle is a flimsy bit of plastic that is folded down. It is not obvious to use Florian's handle on Borin's cup because Borin's cup is molded from an insulating "foam-type" plastic (column 5, lines 53 to 54) and therefore there is no need for a handle to keep the fingers from getting too hot. Moreover, to maintain the structure of Borin's upper edge 36 while attaching Florian's winged handle would be difficult and too costly for a disposable cup.

Claim 20 was rejected under 35 U.S.C. 103(a) as unpatentable over Borin. Applicant's hereinabove comments concerning Borin also apply to this rejection.

Respectfully,  
  
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